



Missouri Department of Elementary and Secondary Education

— Making a positive difference through education and service —

April 28, 2006

Dear Superintendent:

This letter is to provide you with information regarding the process your agency will need to complete in order to be eligible to receive federal funds under the Individuals with Disabilities Education Act (IDEA) for State FY 2007.

Please note: Even if your agency does not receive any IDEA Part B funds, your agency is **still required** to have a local compliance plan and submit annual assurances to DESE regarding the provision of services to students with disabilities under the IDEA.

Because, we do not have final regulations from the reauthorization of the IDEA 2004 from the Office of Special Education Programs (OSEP) to implement the revised statute, we will again this year, operate under the statutory provisions. Local agencies that provide services to students with disabilities must affirm, through assurances, that they will implement all provisions of the federal statute, as amended, as well as all state and federal regulations that do not conflict with the federal statute, throughout the period of the grant award.

Spring 2005, the Division of Special Education pursued state statute and state regulation changes. Compliance with those changes must also be assured. The changes proposed were made to address (1) any provisions in state statute and regulations that have been determined to be in direct conflict with the federal statute and (2) to make changes where there is a benefit to schools, parents and students and where there is no anticipation that the statutory provisions will be changed by the final regulations. It is important to note that all existing state and federal regulations that are not in conflict with the revised federal statute are still in effect and must continue to be implemented. We do not anticipate that we will be requiring local agencies to revise their local compliance plans until final state and federal regulations are published. However, any provisions in your local plan that are inconsistent with state or federal statute or regulation are superseded by federal statute and state statute and regulation.

Attached to this communication are two (2) Assurance Statements that must be approved before DESE can release federal funds to you. Each agency in the state responsible for providing services to students with disabilities must provide annual assurance to the state

agency regarding their program for the provision of these services. Most agencies submit their assurances via the Web when opening their budget with the Funds Management section. However, there are several agencies that because of their unique nature do not have the responsibility for opening a budget with the Funds Management section. According to our records, your agency does not open a budget with the Funds Management section of the Division of Special Education. Therefore, submission instructions follow:

- **All Component Districts (PreK to 12 and K to 12) of Special School Districts**
Both Assurance Statements to be completed by your district are enclosed with this letter. Please complete the statements, have them approved by your local governing board, get all required signatures/dates and submit these documents to the administration of the Special School District (SSD). The SSD will keep all assurances for its component districts on file in their offices. You **do not** need to submit a copy of the document to the Division of Special Education, Department of Elementary and Secondary Education.
- **Component Districts of Special School Districts that administer their own ECSE program**
Your district will need to submit a public school assurance statement regarding your compliance for the ECSE program administered by your district. This assurance can be obtained on the Division of Special Education's website at: http://dese.mo.gov/divspeced/Compliance/IDEA_ReAu2004/Assurances.html. The assurances must be approved by your Board of Education, signed and dated by all required individuals. **Submit the signed and dated copies no later than September 30, 2006, to the attention of Compliance, Division of Special Education, Department of Elementary and Secondary Education, P. O. Box 480, Jefferson City, Missouri 65102.**

As indicated in the previous paragraph, this year there are two assurance pages that your district must agree to. One is the general assurances document and the other is to give assurances concerning your agency's decision about whether or not you will work with the National Instructional Materials Accessibility Center (NIMAC) when providing print materials to students with visual impairments. First, your agency must assure that they will adopt the National Instructional Materials Accessibility Standards (NIMAS) for print materials being used with students with visual impairments. Second, your district may indicate whether it is going to "opt in" or "opt out" of working with the NIMAC in accessing print materials under the NIMAS. If your agency "opts out" of working with NIMAC, it must then assure that students with print disabilities will receive high-quality accessible materials in a timely manner.

Important information regarding NIMAS and NIMAC can be found at the following websites: <http://www.nimac.us/faq.html> and <http://nimas.cast.org/center/exemplars/exemplar2.html>. Agencies are encouraged to review this information and become familiar with the provisions of this requirement before making final decisions regarding participation and submission of the assurances.

Also attached to this communication is a checklist of those areas of the IDEA in which there were substantive changes. **When you sign your assurance, you are indicating that your district has in place procedures to implement all of the indicated changes. Please review this document carefully to be sure that procedures are in place to implement the indicated changes as of July 1, 2006.**

If you have any questions regarding the General Assurance Statement or the procedures for submission, please contact the Compliance Section at 751-573-0186 or via e-mail at webrepliespeco@dese.mo.gov. If, after reading the information on NIMAS, you still have questions you may contact Betty McCartney or Wayne Goddard in the Effective Practices Section at 573-751-0187 or Susan Borgmeyer in the Compliance Section at 573-751-0699.

Sincerely,



Margaret Strecker, Director, Special Education Compliance



Linda Sneller, Director, Special Education Funds Management

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Enclosures

cc: Superintendent, SSD
Superintendent, Component
Director of Special Education, Component

District Name: _____ County/District Code: _____

Assurances regarding Implementation of

PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT,
AS AMENDED BY THE INDIVIDUALS WITH DISABILITIES
EDUCATION ACT AMENDMENTS OF 2004

Requirements during State Fiscal Year 2007

Component Districts of Special School Districts

For the purposes of implementing provisions of the Individuals with Disabilities Education Act Amendments of 2004, which amend the Individuals with Disabilities Education Act (the Act), the _____ School District assures that throughout the period of the grant award, it will cooperate in full with the Special School District of _____ to ensure compliance with all of the requirements of Parts A and B of the IDEA, as amended by the IDEA Amendments of 2004, including, (1) all of the policies and procedures that were approved as part of the State's most recent prior year State plan under Part B of the IDEA that are not inconsistent with IDEA as amended by the IDEA Amendments of 2004; and (2) all of the eligibility requirements of Section 613 of the Act, as amended. The district also assures that no later than July 1, 2007, the district will revise its policies and procedures to make them fully consistent with the IDEA as amended by the IDEA Amendments of 2004 and that it will provide the Department of Elementary and Secondary Education copies of the revisions to the policies and procedures it has in effect to ensure that it meets each of the eligibility requirements in Section 613 of the Act.

This Assurance was presented and approved by the board of education at the _____ meeting.
(date)

School Board President	Superintendent	Director of Special Education
Print Name	Print Name	Print Name
Signature/Date	Signature/Date	Signature/Date

District Name: _____ County/District Code: _____

Assurances regarding Adoption of
**NATIONAL INSTRUCTIONAL MATERIALS
ACCESSIBILITY STANDARD (NIMAS)**

Requirements during Federal Fiscal Year 2006

The _____ makes the following assurances regarding provision of instructional materials to students with disabilities with visual impairments.

Assurance regarding Adoption of the National Instructional Materials Accessibility Standard (NIMAS)

No later than December 3, 2006, the agency will adopt the National Instructional Materials Accessibility Standard for purposes of providing instructional materials to blind children and youth or other children and youth with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C 1412(a)(23)(A) and (D).

Decision and Assurance regarding Agency coordination with the National Instructional Materials Access Center (NIMAC)

The public agency has made the following decision regarding coordination with the National Instructional Materials Access Center (NIMAC): [check one]

☐ The agency **WILL** coordinate with the National Instructional Materials Access Center not later than December 3, 2006, as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:

- Require the publisher to prepare and, on or before the delivery of the print instructional materials, provide the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials accessibility Standard; or
- Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C 1412(a)(23)(C))

☐ The agency **WILL NOT** coordinate with the National Instructional Materials Access Center. In this case, the agency assures that it will provide instructional materials to blind children and youth or other children and youth with print disabilities in a timely manner.

This assurance was presented and approved by the agency's Governing Board at the _____ meeting.
(date)

School Board President	Superintendent	Director of Special Education
Print Name	Print Name	Print Name
Signature/Date	Signature/Date	Signature/Date